

# NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

## Reimbursement to Counties for Eligible State Prisoners

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001 Applicability. The provisions of this rule shall apply to all Nebraska counties applying for reimbursement from the Department of Correctional Services for state prisoners pursuant to Section 47-119 *et. seq.* as adopted in 1998 by the Ninety-Fifth Nebraska Legislature in LB695.

002 Policy. It is the policy of the Department of Correctional Services that when application for reimbursement is made by Nebraska counties pursuant to the provisions of this rule, such reimbursement shall be made in a uniform and consistent manner in the order in which such claims are received.

003 Date Eligible. The first date eligible for reimbursement is July 1, 1999. No reimbursement will be made for any date that an eligible state prisoner is held in a county jail prior to July 1, 1999.

004 Eligibility for Reimbursement. Reimbursement shall be made for a prisoner sentenced to the Department of Correctional Services. Reimbursement shall be made for a prisoner convicted of a felony or Class I misdemeanor and sentenced to probation.

004.01 Reimbursement for state prisoners held by one county for another county shall be paid to the county where the prisoner is or was maintained. The county making the claim shall maintain all records in support of the claim filed with the Department of Correctional Services.

005 Calculation of Reimbursement. A county may claim reimbursement for the time an eligible prisoner is held in the county jail until he or she is delivered to the Department of Correctional Services or placed on probation.

005.01 Days eligible for reimbursement are calculated by subtracting the date received from the date released from county jail. For example, if an eligible state prisoner is received on November 6 and released on November 20, the county is eligible for 14 days reimbursement.

005.02 No reimbursement shall be made if a prisoner is received and released from county jail on the same day. For example, if a prisoner is received on November 6 at 8:00 a.m. and released on the same day at 4:00 p.m., there is no reimbursement for such prisoner.

006 Claim Forms. All claims for reimbursement shall be made on forms prescribed by the Department of Correctional Services. Such claims may be filed no more frequently than monthly, and shall be filed at least quarterly.

006.01 Claims for reimbursement may have multiple lines for an eligible state prisoner. Any time a prisoner has breaks in the time held in county jail, each consecutive grouping of days shall be listed on a separate line.

006.02 Claims for reimbursement shall be sworn to by the sheriff or a designated representative of the county board of corrections before the clerk of the county, and certified to under his or her seal.

007 Payment of Claims. Eligible claims will be processed in the order received by the Department of Correctional Services. If insufficient funds are appropriated for eligible claims, the Department will request additional funding through the state budgetary process for any insufficient funding. Any eligible claims filed for which there is insufficient funding will be held pending additional appropriation. Counties will be notified that insufficient funds exist for processing claims.

008 Facilities Not Eligible for Reimbursement. If the Department is notified by the Jail Standards Board that the county jail does not qualify for reimbursement for state prisoners, any claimed payment for reimbursement from such county shall be withheld pending resolution

and notification to the Department by the Jail Standards Board that such payment should be processed. Payment shall not be made for days in which the Jail Standards Board indicates the jail does not qualify for reimbursement.

009 Disputed Claims. Disputed claims will be subtracted from all acceptable claims submitted by a county so that total payment is not delayed. The Department of Correctional Services will investigate the disputed claim, with notice sent to the county of the reason for the dispute. Disputed claims not resolved within 60 days from the date the claim is filed will be presented to the Department of Correctional Services Assistant Director for Administrative Services for review and resolution. Any denied claims may be submitted by the county to the State Claims Board.

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010 County Records Maintained. County jails shall maintain records which support the claims filed with the Department of Correctional Services. The Jail Register required by §47-106 may be used to support the claims.

011 Refunds Due to Reversed Convictions. In the event a conviction is reversed and the case dismissed, the amount previously paid to the county for that prisoner shall be refunded to the State. Such refunds shall be listed on the next report to the Department of Correctional Services following notification to the county of such dismissal. Any such refunds shall be subtracted from the amount payable to the county.

General Statutory Authority: Neb. Rev. Stat. Section 47-106; Sections 47-119 *et. seq.*, Section 83-4,133.